UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/Sub.2/1994/NGO/32
17 August 1994

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-sixth session
Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Written statement submitted by the American Association of Jurists, the International Association against Torture, the Latin American Federation of Associations of Relatives of Disappeared Detainees, the International League for the Rights and Liberation of Peoples and Service, and Peace and Justice in Latin America, non-governmental organizations with consultative status (category II), and International Educational Development, a non-governmental organization on the Roster

The Secretary-General has received the following communication, which is distributed in accordance with Economic and Social Council resolution 1296 (XLIV).

[10 August 1994]

GE.94-13699(EXT)

Detentions and disappearances in Western Sahara

1. Since the end of 1975, and at the beginning of the Moroccan occupation of Western Sahara, hundreds of individuals, of all ages and of both sexes, have been detained by the Moroccan security services and the Royal Armed Forces (FAR). From the start (invariably brutal) of the detention the victims are deprived, not only of contact with their close relatives, but of all outside contacts. Nobody hears any more of them. It is likely that many of them have been unable to bear the difficult conditions of life in detention and have died there.

2. Families who show concern over the fate of detainees and seek to find out where a relative is detained are themselves punished by detention. Those who have suffered this grim fate include the families of Mulay Ahmed Lili, Salek Abdessamed and Ahel Meiyara. None of the over 800 disappeared detainees (Amnesty International has counted over 450 individuals) has ever been brought before a court. None of them know why they have been detained.

3. During over 15 years the practice of detention and disappearance has become a favoured weapon of the Moroccan security services (the Royal Gendarmerie, the Territorial Security Directorate (DST), the police and the auxiliary forces). Thus hundreds of Sahrawis have joined the ranks of those rotting in the secret cells in Southern Morocco (Agdz, Kalt M'Gouna, Ait Benhadou, etc.).

4. An iron curtain conceals the fate of the detainees. Nobody may show any signs of interest in their fate. The families have had to resign themselves to silence. All attempts to obtain the slightest information are rejected.

5. The non-governmental organizations which show interest in the victims have been debarred from entering the territory to obtain the information necessary for the proper completion of their inquiries. The communications which these organizations pass on to the Moroccan authorities (thousands of letters sent by different groups, in Amnesty International and other organizations) asking for information on places of detention have invariably met with evasive replies (or simply denial of any responsibility in the case). Amnesty International Has made public several reports on disappeared Sahrawis.

6. The Working Group on Enforced or Involuntary Disappearances receives in reply to its communications statements to the effect that "the names of the allegedly disappeared Sahrawis do not appear in the registers of any of the Moroccan penal centres". However, thanks to the tenacity and the perseverant appeals of those NGOs which have refused to be discouraged by the Moroccan replies, 300 of these detained and disappeared persons were released in June 1991 after 15 years' imprisonment in the previously clandestine prison at Kalt M'Gouna. The testimony of those released who managed to escape from Moroccan-occupied territory is appalling. Forty-seven of their compatriots died in detention. They were buried in the prison courtyard in full view of the survivors. The dead included Salek Oul Abdessamad and his wife, Fatma Sidi Sidi-Ali, both over 70 years of age.

7. Contrary to the allegations of the Moroccan authorities, the names of the released prisoners were included in the lists of persons who disappeared during the early years. Many of them had ben adopted by individual Amnesty International groups.

8. The recently released prisoners have not been able to obtain any compensation for prejudice suffered. In addition, even those who contracted serious illnesses during their long and afflicting imprisonment were unable to obtain the necessary medical treatment. All they have received from the Moroccan authorities is a threat of return to prison if they give public opinion any inkling of their experiences during their captivity. They are subject to strict police surveillance and may not leave the territory.

9. For all these reasons the Sub-Commission should be requested to require the Moroccan authorities -

(a) To release all detained and disappeared Sahrawis (over 500 in number) immediately;

(b) To pay compensation to the victims for the prejudice they have suffered on account of so many years of arbitrary imprisonment; to return the remains of victims to their families; and to pay the latter compensation for the loss of one of their members in detention;

(c) To lift the blockade imposed on the occupied territories of Western Sahara and to permit access by the international Press and non-governmental organizations to enable them to carry out the necessary investigations in complete freedom;

(d) To bring those responsible for detentions and disappearances to justice and require that all necessary research into the fate of victims of the repression be facilitated.